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2 UNITED STATES DISTRICT COURT
3 WESTERN DISTRICT OF WASHINGTON
4 AT TACOMA

5 UNITED STATES OF AMERICA,

6 Plaintiff,

7 v.

8 DAVID MICHAEL NAVARRO,

9 Defendant.

CASE NO. CR13-5525BHS

ORDER

This matter comes before the Court on the Defendant's unopposed motion for a continuance of the trial date and a new pretrial motions due date. The Court, having considered the unopposed, oral motion made in open-court on December 23, 2013, the government's response to the oral motion, the Defendant's speedy trial waiver and the motion and affidavit of defense counsel filed on December 24, 2013, makes the following findings of fact and conclusions of law:

1. The government's investigation of electronic media for possible introduction at trial in this case is ongoing, therefore the defense needs additional time to receive full discovery in order to prepare for trial. There is not sufficient time for the defense to review the contents found on the iPhone with Mr. Navarro, conduct follow-up investigation, consult with a digital evidence expert witness and prepare to address this evidence at trial, by the currently scheduled trial date.

2. The defense needs additional time to explore all relevant issues and defenses applicable to the case, which would make it unreasonable to expect adequate preparation for

1 pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act
2 and currently set for this case. 18 U.S.C. § 3161(h)(7)(B)(ii).

3 4. Taking into account the exercise of due diligence, a continuance is necessary to allow
4 the defendant the reasonable time for effective preparation his defense, to explore resolution of
5 this case before trial and to substantially ensure continuity of defense counsel. 18 U.S.C. §
6 3161(h)(7)(B)(iv).

7 5. Proceeding to trial absent adequate time for the defense to prepare would result in a
8 miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(i).

9 6. The ends of justice served by granting this continuance outweigh the best interests of
10 the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A) and (B).

11 7. Defendant waived speedy trial through April 28, 2014.

12 NOW, THEREFORE, IT IS HEREBY ORDERED

13 That the trial date is continued from January 14, 2014, to April 8, 2014, at 9:00 a.m.
14 Pretrial Conference is set for March 17, 2014, at 2:30 p.m. Pretrial motions are due by January
15 27, 2014. The resulting period of delay from December 23, 2013, to April 8, 2014, is hereby
16 excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(7)(A) and (B)

17 Dated this 30th day of December, 2013.

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20 BENJAMIN H. SETTLE
21 United States District Judge
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